

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF ALASKA

JOHN GILBERT,  
Plaintiff,  
vs.  
APC NATCHIQ, INC.,  
Defendant.

Case No. 3:03-cv-0174-RRB

**ORDER GRANTING MOTION FOR  
ESTABLISHING HOURS WORKED**

Before the Court is Plaintiff John Gilbert with a Motion for Establishing Hours Worked at Docket 35. Plaintiff asks the Court to issue an order affirming that the hours worked stated by Plaintiff on his daily logs are sufficient for the Court and jury to establish a just, reasonable inference that those hours were the hours worked.<sup>1</sup> In response, Defendant APC Natchiq, Inc. filed a Qualified Non-Opposition at Docket 68.

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<sup>1</sup> Docket 35 at 3.

Inasmuch as Defendant does not dispute the "daily logs" Plaintiff offers as evidence of alleged overtime,<sup>2</sup> Plaintiff's Motion for Establishing Hours Worked at **Docket 35** is hereby **GRANTED**. Notwithstanding, the Court notes Defendant has successfully preserved the right to dispute Plaintiff's contention that the absence of records regarding Plaintiff's hours constitutes a statutory violation.<sup>3</sup>

ENTERED this 11<sup>th</sup> day of October, 2006.

S/RALPH R. BEISTLINE  
UNITED STATES DISTRICT JUDGE

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<sup>2</sup> Docket 68 at 2.

<sup>3</sup> Id.